



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Shawn Berry

Defendant.

CASE NO. Z: 18-MJ-01463

**ORDER OF DETENTION**

**I.**

A. ☐ On motion of the Government in a case allegedly involving:

1. ☐ a crime of violence.
2. ☐ an offense with maximum sentence of life imprisonment or death.
3. ☐ a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. ☐ any felony - where the defendant has been convicted of two or more prior offenses described above.
5. ☐ any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.

1 B. ~~(X)~~ On motion by the Government / ( ) on Court's own motion, in a case  
2 allegedly involving:

3 ~~(X)~~ On the further allegation by the Government of:

4 1. ~~(X)~~ a serious risk that the defendant will flee.

5 2. ( ) a serious risk that the defendant will:

6 a. ( ) obstruct or attempt to obstruct justice.

7 b. ( ) threaten, injure, or intimidate a prospective witness or juror or  
8 attempt to do so.

9 C. The Government ( ) is/ ( ) is not entitled to a rebuttable presumption that no  
10 condition or combination of conditions will reasonably assure the defendant's  
11 appearance as required and the safety of any person or the community.

## 12 II.

13 A. ~~(X)~~ The Court finds that no condition or combination of conditions will  
14 reasonably assure:

15 1. ~~(X)~~ the appearance of the defendant as required.

16 ~~(X)~~ and/or

17 2. ~~(X)~~ the safety of any person or the community.

18 B. ( ) The Court finds that the defendant has not rebutted by sufficient  
19 evidence to the contrary the presumption provided by statute.

## 20 III.

21 The Court has considered:

22 A. the nature and circumstances of the offense(s) charged, including whether the  
23 offense is a crime of violence, a Federal crime of terrorism, or involves a minor  
24 victim or a controlled substance, firearm, explosive, or destructive device;

25 B. the weight of evidence against the defendant;

26 C. the history and characteristics of the defendant; and

27 D. the nature and seriousness of the danger to any person or to the community.  
28

1 IV.

2 The Court also has considered all the evidence adduced at the hearing and the  
3 arguments and/or statements of counsel, and the Pretrial Services  
4 Report/recommendation.

5 V.

6 The Court bases the foregoing finding(s) on the following:

7 A. ~~X~~ As to flight risk:

- 8 ☐ Lack of bail resources  
9 ☐ Refusal to interview with Pretrial Services  
10 ☐ No stable residence or employment  
11 ☐ Previous failure to appear or violations or probation, parole, or  
12 release  
13 ☐ Ties to foreign countries  
14 ☐ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]

15 ☒ Defendant does not contest detention  
16  
17  
18

19 B. ~~X~~ As to danger:

- 20 ☐ Nature of previous criminal convictions  
21 ☐ Allegations in present charging document  
22 ☐ Substance abuse  
23 ☐ Already in custody on state or federal offense  
24 ☐ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]

25 ☒ Defendant does not contest detention  
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27  
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1 C. ( ) Defendant submitted to detention

2 VI.

3 A. ( ) The Court finds that a serious risk exists that the defendant will:

4 1. ( ) obstruct or attempt to obstruct justice.

5 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.

6 B. The Court bases the foregoing finding(s) on the following: \_\_\_\_\_

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12 VII.

13 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

14 B. IT IS FURTHER ORDERED that the defendant be committed to the custody  
15 of the Attorney General for confinement in a corrections facility separate, to  
16 the extent practicable, from persons awaiting or serving sentences or being  
17 held in custody pending appeal.

18 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
19 opportunity for private consultation with counsel.

20 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or  
21 on request of any attorney for the Government, the person in charge of the  
22 corrections facility in which the defendant is confined deliver the defendant to  
23 a United States marshal for the purpose of an appearance in connection with  
24 a court proceeding.

25  
26  
27 DATED: 6/22/2010

28 Alexander F. MacKinnon  
ALEXANDER F. MacKINNON  
UNITED STATES MAGISTRATE JUDGE